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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,407	08/21/2001	Cary Lee Bates	ROC9200110085US1	8109
7590	11/02/2005		EXAMINER	
Gero G. McClellan Thomason, Moser & Patterson, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			YIGDALL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2192	
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,407	BATES ET AL.	
	Examiner	Art Unit	
	Michael J. Yigdall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2005 has been entered. Claims 1-26 are pending.

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Nonetheless, Applicant's arguments are addressed below as well.

Applicant contends that Olsen does not disclose selecting a particular point within a program to actually set a breakpoint (Applicant's remarks, page 8, first paragraph).

However, even though the user first sets a source breakpoint, Olsen does indeed disclose selecting a particular point within the program to actually set a breakpoint (see, for example, column 5, lines 27-30).

Applicant contends that determining the paths of execution to a basic block is not the same as determining which other blocks control execution of the basic block, because "many blocks may be on a path that leads to the execution of the basic block, but not all of these paths control the execution of the basic block" (Applicant's remarks, page 9, first paragraph).

However, the blocks on a path that leads to the execution of the basic block "control" the execution of that block in the sense that control flows to that block from the blocks preceding it

on the path. The paths that lead to the basic block are the only paths of execution on which the basic block itself is executed, and thus “control” its execution as recited in the plain language of the claims.

Applicant contends that the blocks that control the execution of the basic block are determined based on the inherent structure of the program, as represented by the control dependence graph (Applicant’s remarks, page 10, first paragraph).

However, it is noted that the features upon which Applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant contends that Olsen discloses finding the location of a variable, such as a memory address or a register value, rather than identifying a statement that may modify a program variable (Applicant’s remarks, page 11, first paragraph).

However, Olsen discloses identifying the definition points of a variable (see, for example, column 7, lines 1-11), which are instructions or statements that may modify the variable (see, for example, column 6, lines 64-67).

Applicant contends that the cited material in Olsen (column 6, lines 55-67) is directed to using a change history mechanism used to recover the value of a variable at a breakpoint, rather than accessing a table comprising the variable mapped to source code statements that may modify the variable (Applicant’s remarks, page 11, last paragraph).

However, the cited material discloses a set of range records that map the variable to its definition points, which are instructions or statements that may modify the variable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,263,489 to Olsen et al. (art of record, “Olsen”) in view of U.S. Patent No. 6,161,216 to Shagam (art of record, “Shagam”) in view of “An Efficient Relevant Slicing Method for Debugging” by Gyimothy et al. (art of record, “Gyimothy”).

With respect to claim 1 (currently amended), Olsen discloses a computer-implemented method for inserting breakpoints in a program being debugged (see, for example, the abstract, and step 54 in FIG. 4A, which shows inserting breakpoints).

Although Olsen discloses selecting instructions in the program at which to insert breakpoints (see, for example, column 13, lines 8-12), Olsen does not expressly disclose:

(a) selecting branch points in the program being debugged at which to insert breakpoints.

However, Shagam discloses selecting control flow boundaries in a program at which to insert trace points (see, for example, column 2, lines 9-31). A branch is a control flow boundary. The trace points are analogous to breakpoints (see, for example, column 1, lines 20-25). Shagam

discloses that the method for selecting the points in the program at which to insert the trace points or breakpoints improves the performance and accuracy of debugging (see, for example, column 1, lines 29-36 and 57-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the method of Olsen with the step of selecting branch points in the program at which to insert the breakpoints, so as improve the performance and accuracy of the debugging, such as taught by Shagam.

Olsen in view of Shagam further discloses the selecting comprising:

- (i) identifying a statement for the program being debugged (see, for example, Olsen, column 12, lines 33-39, which shows identifying a statement);
- (ii) determining which basic block contains the statement (see, for example, Olsen, column 12, lines 28-32, which shows determining the basic block from which the statement is identified).

Although Olsen discloses analyzing the paths of execution that lead to the basic block based on control flow (see, for example, column 12, lines 20-24 and 40-45), Olsen in view of Shagam does not expressly disclose:

- (iii) determining which other blocks present in the program control execution of the basic block.

However, Gyimothy discloses determining which other statements in a program affect or control execution of a statement (see, for example, page 4, first column, last paragraph), based on a program dependence graph that identifies control dependence among statements (see, for example, page 6, first column, Figure 5). Gyimothy discloses that the method for determining

the relevant program slice ignores other statements that do not affect the statement and is accordingly applied to debugging (see, for example, page 1, first column, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the method of Olsen in view of Shagam with the step of determining which other blocks in the program control execution of the basic block, so as to ignore blocks that do not control execution of the basic block, such as taught by Gyimothy.

Olsen in view of Shagam in view of Gyimothy further discloses:

(iv) inserting a breakpoint at each branch point contained in the other blocks present in the program that control execution of the basic block (see, for example, Shagam, column 4, lines 13-15, which shows inserting a trace point or breakpoint at each branch, and note that in view of Gyimothy, the other blocks that do not control execution of the basic block are ignored).

With respect to claim 2 (original), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein the statement is the location where the program being debugged halted execution (see, for example, Olsen, column 13, lines 13-20, which shows identifying the instruction or statement at which the program suspended or halted execution).

With respect to claim 3 (original), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein the blocks controlling execution of the basic block are blocks on which the basic block is control dependent (see, for example, Gyimothy, page 6, first column, Figure 5, which shows that the program dependence graph identifies control dependence).

With respect to claim 4 (currently amended), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying the statement comprises identifying a statement in the source code of the program that may modify a program variable (see, for example, Gyimothy, page 1, first column, Introduction, which shows identifying statements that may influence or modify a variable).

With respect to claim 5 (original), the rejection of claim 4 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying the statement that may modify a program variable comprises accessing a table comprising the variable mapped to statements that may modify the variable (see, for example, Gyimothy, page 5, first column, first paragraph, which shows a data set that maps a variable to the statements that affect the variable, and page 5, second column, which shows the data set in a table).

With respect to claim 6 (original), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying the statement comprises identifying statements associated with loop latches (see, for example, Olsen, column 13, lines 48-60, which shows identifying statements associated with loops).

With respect to claim 7 (original), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying statements associated with loop latches comprises accessing tables comprising the basic block mapped to the loop latches (see, for example, Olsen, column 8, lines 51-61, which shows a table for mapping source loops to basic blocks in the machine code).

With respect to claim 8 (original), the rejection of claim 1 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying the statement comprises identifying a currently executing statement of each of a plurality of subprograms (see, for example, Olsen, column 7, lines 15-47, which shows identifying and executing statements of a plurality of functions or subprograms).

With respect to claim 9 (original), the rejection of claim 8 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein each of the plurality of subprograms is a portion of the program being debugged and performs a specific task (see, for example, Olsen, column 7, lines 15-47, which shows that the functions or subprograms in the program are debugged, and that the functions perform tasks that change the state of the program).

With respect to claim 10 (original), the rejection of claim 8 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein identifying the currently executing statement comprises accessing a table comprising the plurality of subprograms mapped to its respective currently executing statement (see, for example, Olsen, column 8, lines 43-50, which shows a table for mapping source constructs such the subprograms to machine code instructions that are executed).

With respect to claim 11 (currently amended), the rejection of claim 8 is incorporated, and Olsen in view of Shagam in view of Gyimothy further discloses the limitation wherein the blocks controlling execution of the basic block are blocks on which the basic block is control

dependent (see, for example, Gyimothy, page 6, first column, Figure 5, which shows that the program dependence graph identifies control dependence).

With respect to claim 12 (currently amended), Olsen discloses a computer system comprising at least one processor configured to execute a debugging program (see, for example, CPU 12 and debugger 30 of computer system 10 in FIG. 1), wherein the processor, when executing the debugging program, is configured to perform an operation (see, for example, the abstract). The operation subsequently recited in the claim corresponds to the method of claim 1 (see the rejection of claim 1 above).

With respect to claim 13 (original), the limitations recited in the claim are analogous to those of claim 4 (see the rejection of claim 4 above).

With respect to claim 14 (original), the limitations recited in the claim are analogous to those of claim 6 (see the rejection of claim 6 above).

With respect to claim 15 (original), the limitations recited in the claim are analogous to those of claim 8 (see the rejection of claim 8 above).

With respect to claim 16 (currently amended), Olsen discloses a signal-bearing medium (see, for example, medium 36 in FIG. 1), comprising a program (see, for example, debugger 30 in FIG. 1) which, when executed by a processor (see, for example, CPU 12 in FIG. 1), performs an operation (see, for example, the abstract). The operation subsequently recited in the claim corresponds to the method of claim 1 (see the rejection of claim 1 above).

With respect to claim 17 (original), the limitations recited in the claim are analogous to those of claim 2 (see the rejection of claim 2 above).

With respect to claim 18 (currently amended), the limitations recited in the claim are analogous to those of claim 3 (see the rejection of claim 3 above).

With respect to claim 19 (currently amended), the limitations recited in the claim are analogous to those of claim 4 (see the rejection of claim 4 above).

With respect to claim 20 (original), the limitations recited in the claim are analogous to those of claim 5 (see the rejection of claim 5 above).

With respect to claim 21 (original), the limitations recited in the claim are analogous to those of claim 6 (see the rejection of claim 6 above).

With respect to claim 22 (original), the limitations recited in the claim are analogous to those of claim 7 (see the rejection of claim 7 above).

With respect to claim 23 (original), the limitations recited in the claim are analogous to those of claim 8 (see the rejection of claim 8 above).

With respect to claim 24 (original), the limitations recited in the claim are analogous to those of claim 9 (see the rejection of claim 9 above).

With respect to claim 25 (original), the limitations recited in the claim are analogous to those of claim 10 (see the rejection of claim 10 above).

With respect to claim 26 (currently amended), the limitations recited in the claim are analogous to those of claim 11 (see the rejection of claim 11 above).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

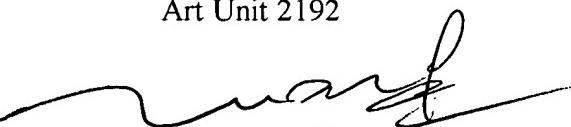
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2192

mjy


TUAN DAM
SUPERVISORY PATENT EXAMINER